

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

WILLIAM HENRY, JR.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:07CV99 RWS
)	
MISSOURI HIGHWAYS AND)	
TRANSPORTATION)	
COMMISSION,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Defendant moves to strike plaintiff's amended complaint on the ground that it does not comply with this Court's November 4, 2008 Order granting plaintiff leave to amend by interlineation to allege a failure to hire claim. Although my Order specifically states that plaintiff is not granted leave to allege any additional claims or facts, plaintiff's complaint appears to include allegations not expressly permitted by my November 4, 2008 Order. Plaintiff does not deny that his amended complaint includes additional allegations not permitted by my Order, but he argues that the motion to strike should be denied because the allegations only state "facts with specificity" that support his "original" claim of discrimination.

Having reviewed the amended complaint and defendant's supplemental response to its motion to strike, I find that paragraphs 7 through 18 of plaintiff's

amended complaint should be stricken because they do not comply with my November 4, 2008 Order granting plaintiff leave to amend by interlineation only. Defendant does not object to the changes plaintiff made to paragraphs 2, 3, and 6 of the amended complaint, so I will not strike those allegations.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to strike [#33] and supplemental motion to strike [#35] are granted as follows: paragraphs 7 through 18 of plaintiff's amended complaint are stricken from the record.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 19th day of November, 2008.